

Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

Members:	Position:	Voting:	Attendance:
Heidi Barton	Primary Maintained Headteacher	Voting	Present
Vacancy	Special Maintained Headteacher	Voting	
Victoria Richmond	Primary Academy Headteacher	Voting	
Cathy Reid	Secondary Academy Headteacher	Voting	Apologies
Paul Jackson	Special/PRU Academy Headteacher	Voting	Apologies
Stephen Avis	CFO Multi Academy Trust	Voting	Apologies
Richard Warnham	Governor Primary Maintained	Voting	Apologies
Barbara Fincham	Governor Primary Academy	Voting	Present
Clive Mailing - (Vice-Chair)	Governor Secondary Maintained	Voting	Present
Peter Martin - (Chair)	Governor Secondary Academy	Voting	Present
Justin Stuart	Governor Special and PRU	Voting	Present
Hannah Cartwright	Early Years Representative	Non-voting	Absent
Simon Cook	16-19 Provider Representative	Non-voting	Apologies
Kirstin Barker	C of E Diocese Representative	Voting	Present
Clare Redmond	RC Diocese Representative	Voting	Absent
Vacancy	Teaching Unions Representative	Non-voting	
Stuart Gardiner	CFO Multi Academy Trust	Voting	Present
Vacancy	SPI over 19 Provisions	Non-voting	
In Attendance:			
Celia Buxton	Assistant Director of Education and SEND LA		
Maria Beaney	Finance Business Partner LA		
Sarah Phillipson	Transcribed Governance Professional		
Debbie Allcorn	Programme Manager - Early Years Sufficiency		
Claire Hassell	The Family Information Service - Pupil Funding Officer		
Rebecca Smith			

Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

No:	Discussion:
1.	<p><u>Apologies and Attendance:</u> As noted above.</p> <p>The meeting was quorate.</p>
2	<p><u>Declarations of Interests:</u> No changes to the previously disclosed declarations of interests and any matters relevant to the agenda.</p>
3	<p><u>Minutes from the previous meeting 18th May 2022:</u></p> <p>Accuracy: Decision: The Minutes were agreed upon as an accurate representation of the meeting.</p> <p><u>Matters arising:</u> None.</p>
4	<p>Early Years Funding and Arrangements - Deborah Allcorn and Clare Hassell: DA explained that the Childcare Sufficiency team must meet its statutory duty of childcare sufficiency to ensure sufficient childcare places for Early Years Children across Medway.</p> <p><u>Childcare entitlements:</u> The Medway Family Information Service, who are part of the sufficiency team, are committed to supporting as many families as possible to take up the offer of funded childcare places.</p> <p>Currently, there are:</p> <ul style="list-style-type: none"> • 248 Early Years settings in Medway, this is not a static figure as it changes throughout the year due to some childminders who may have periods of time without any children. • Private, Voluntary and Independent: 91 Providers • Nursery classes in schools and academies: 41 Schools • Childminders: 116 <p><i>(Childminders are often able to offer a more flexible approach to meet parents needs with childcare).</i></p> <p>The total number of full-time registered childcare places offered across Medway is approximately 6,200, and there are approximately 10,729 children aged 2, 3 and 4 years of age in Medway. This is broken down as 3,448 children aged 2 years, of which approximately 44% (1517) will be eligible for a funded childcare place and 7,281 children aged 3 and 4 years, of which approximately 2,100 will be eligible for a 30-hour place. However, the Government expect an 80% take-up which equates to 1,680 children.</p> <p>The remaining 5,181 children aged 3 and 4 are all eligible for a funded universal 15-hour part-time childcare place.</p>

Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

There are 1,172 vacant full-time equivalent childcare places in Medway. Medway Council's Early Years Sufficiency team and the Family Information service have not received any communications from parents/careers stating that they are unable to find a universal or extended funded early education place for their child, therefore supporting the data that there is full sufficiency of places which is helpful at this time within Medway as we welcome refugee children into Early Years Settings.

Commissioned work undertaken by Medway Early Years Ltd includes:

- Facilitating Early Years foundation stage briefings
- Regular provider support meetings in conjunction with the EYST
- Providing a package of support for Private, Voluntary and Independent settings and Childminders that have an Ofsted inspection rating of "inadequate" or "requires improvement."
- Providing support and guidance for any new EYFS provision or any EYFS expansions, including schools, PVI settings and Childminders.
- Face-to-face and online tutorials, training, individual advice and guidance around safeguarding, welfare requirements and quality.

Medway Council's Early Years funding formula 2022/23:

Every year the DfE allocates Medway Council's Early Years a block of funding from the dedicated School's grant (DSG).

Medway has a budget of circa £2.3 million for two-year-old funding, £13.7 million for three-and four-year-old funding, £124,000 for Early Years Pupil Premium (EYPP) and £76,000 for Disability Access Funding (DAF).

The Early Years Grant is then allocated to funding streams with the following rates:

- The 15 hours entitlement for disadvantaged two-year-olds £5.60 per hour;
- The universal 15 hours entitlement for all three and four-year-olds £4.80 per hour;
- The additional 15 hours entitlement for eligible working parents of three and four-year-olds, £4.80 per hour;
- EYPP - £0.60 per hour; and
- DAF - £800 per year.

It is a statutory requirement that at least 95 per cent of this grant is delegated to providers using a flat rate for two-year-olds, and local authorities using their own Early Years funding formula for three and four-year-olds. For this financial year, after top-slicing 1 per cent to SEND, the two-year-old hourly rate is £5.27, and the three and four-year-old hourly rate is £4.51. There are increases this year for EYPP and DAF.

The Medway Early Years funding formula is as follows:

Category	funding
DfE allocated 2-year-old rate	£5.60
Fixed-rate at 95 per cent and after the 1 per cent top slice for SEND	£5.27
DfE allocated 3/4-year-old rate	£4.80
Rate at 95 per cent and after 1 per cent top slice for SEND	£4.51

Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

Category	funding												
Medway Early Years funding formula													
Base rate - 90 per cent	£4.06												
Disadvantage/additional need - 8 per cent	£0.36												
Leadership - 1 per cent	£0.05												
Ofsted - 1 per cent	£0.05												
Total (this is a rounded figure)	£4.51												
<p>Using the data provider's submission in the January Early Years census, the supplements are calculated, and the funding rates are allocated. The first supplement is the base rate which all providers receive. The second, disadvantage / additional need supplement uses postcodes of all children submitted in January, which are then linked to the income deprivation affecting children index (IDACI) scores.</p> <p>Leadership is allocated if a provider has a 'qualified' member of staff working with the children (a qualified member of staff is a level 6 graduate including either Qualified Teacher Status, Early Years Professional or Early Years Teacher Status). The Ofsted supplement is allocated if a provider has either a good or outstanding grade.</p> <p>When the funding rates were calculated for 2022/23, 248 individual providers and the average rate using the Medway Early Years funding formula was £4.42. This is still the average rate, and we now have 250 providers.</p> <p>The report's intention was to give an overview of the Sufficiency position of Early Years providers and how the funding is allocated and passported through to providers.</p> <p><u>To conclude:</u> All childcare providers must register with and be inspected by Ofsted, who gives them an overall grade for the quality of their provision.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Type of provision</th> <th style="text-align: center;">Total number of providers inspected</th> <th style="text-align: center;">% Achieving Good or Outstanding</th> </tr> </thead> <tbody> <tr> <td>Childminders</td> <td style="text-align: center;">90</td> <td style="text-align: center;">96%</td> </tr> <tr> <td>Nursery classes in schools</td> <td style="text-align: center;">41</td> <td style="text-align: center;">95%</td> </tr> <tr> <td>Private and voluntary nurseries</td> <td style="text-align: center;">79</td> <td style="text-align: center;">95%</td> </tr> </tbody> </table> <p>Childcare provision throughout Medway continues to be of a high standard. Good quality Early Years settings positively impact children from disadvantaged backgrounds, giving them access to resources and experiences they might not have at home. Quality settings can reduce gaps in development for children and support all children in being ready for School.</p> <p>Q - Noted that additional funding for those judged Outstanding. However, those schools that are RI may be the ones who require this additional help? A - They may not be given money but are given robust support and training from the LA to support action plans ready for the next inspection. This is Government Policy which we cannot change.</p> <p>Q - Am I right to assume this information is based on the child's postcode and not the schools? A - Yes, you are correct.</p>		Type of provision	Total number of providers inspected	% Achieving Good or Outstanding	Childminders	90	96%	Nursery classes in schools	41	95%	Private and voluntary nurseries	79	95%
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Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

	<p>Q - Would it be possible for the future reports to add in the previous funding in brackets to allow benchmarking? A - Yes, we can do this.</p> <p>Q- How high are the safeguarding incidents? A - They are not particularly high; the EFYS are normally part of the children's process.</p>																								
5	<p>2022-23 DSG Budget Allocations - Maria Beaney: <u>Background Information is as follows:</u></p> <p>MB advised that the Education and Skills Funding Agency (ESFA) requires all Local Authorities (LA) to provide information to its Schools forum about its Dedicated Schools Grant (DSG) on a regular basis.</p> <p>The DSG consists of four notional funding blocks:</p> <ol style="list-style-type: none"> 1) Schools Block - Funding for both maintained schools and academies. At least 99.5% must be passported to schools. 2) High Needs Block - Funding special education needs and alternative provision. 3) Early Years Block - Funding for Nursery and Early Years providers. At least 95% must be passported to providers. 4) Central Services School Block - Funding to support the statutory functions of the local authority for both maintained schools and academies. <p>Current 2022 - 2023 DSG Allocation: The table below outlines the changes to Medway's DSG allocation by the ESFA in March 2022:</p> <p style="text-align: center;"><u>Table 1 - 2022-2023 DSG Allocation after academy deductions.</u></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="text-align: right;">Initial Allocation £</th> <th style="text-align: right;">March Allocation £</th> <th style="text-align: right;">Adjustment £</th> </tr> </thead> <tbody> <tr> <td>Schools Block (SB)</td> <td style="text-align: right;">220,245,783</td> <td style="text-align: right;">43,716,812</td> <td style="text-align: right;">176,528,971</td> </tr> <tr> <td>High Needs Block (HNB)</td> <td style="text-align: right;">51,363,274</td> <td style="text-align: right;">38,820,955</td> <td style="text-align: right;">12,542,319</td> </tr> <tr> <td>Early Years Block (EYB)</td> <td style="text-align: right;">17,712,224</td> <td style="text-align: right;">17,712,224</td> <td style="text-align: right;">0</td> </tr> <tr> <td>CSSB</td> <td style="text-align: right;">958,342</td> <td style="text-align: right;">958,342</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">290,279,623</td> <td style="text-align: right;">101,208,333</td> <td style="text-align: right;">(189,071,290)</td> </tr> </tbody> </table> <p>The LA's DSG SB allocation was reduced by £176,528,971, and the HNB was reduced by £12,542,319 for academy recoupment to be paid by the ESFA to academies.</p> <p>All funding is allocated on a per-pupil basis, and for 2022-23, Medway's allocations are as follows:</p> <ul style="list-style-type: none"> • School Block - Primary £4,495,42 an increase of £122.21 or 2.79% on last year. • School Block - Secondary £5,923,23 an increase of £165.37 or 2.87% on last year. • High Needs Block - £4,665,13 an increase of 9p on last year. <p>The Schools Forum noted the above information.</p>		Initial Allocation £	March Allocation £	Adjustment £	Schools Block (SB)	220,245,783	43,716,812	176,528,971	High Needs Block (HNB)	51,363,274	38,820,955	12,542,319	Early Years Block (EYB)	17,712,224	17,712,224	0	CSSB	958,342	958,342	0	Total	290,279,623	101,208,333	(189,071,290)
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Minutes of Schools Forum Meeting

06th July 2022 at 2.30 pm

6

Outreach Update - Celia Buxton:

CB advised the Schools forum that the report outlines the current situation with the High Needs spending and some of the proposed changes to the High Needs deficit recovery plan (HNDRP).

Background Information is as follows:

The current HNDRP does not resolve the deficit issue within the planned 10 years. For the 2021/22 financial year, the overspend was £8m, bringing the total deficit to £20.5m.

Safety Valve Intervention Fund (SVIF):

In May 2022, the Medway council was invited to participate in the SVIF and had an introductory meeting with Tony McCardle and other DfE and ESFA colleagues to discuss our current plans. The full letter, with the details of the programme's requirements and the revised timeline.

Note:

A DSG recovery plan needs to be formulated that brings the operating HN budget into a positive in-year balance and shows how this will work to reduce the deficit. This includes any additional contributions from the council and transfers from other DSG blocks.

Contextual Data:

Schools forum members noted that a detailed data pack was attached to this report in Appendix 2.

Revised HNF Deficit Recovery Plan:

Work to develop the revised HNDFP is ongoing and focuses on the 3 core principles:

1. Appropriately managing the demand for Education, Health and Care Plans (EHCPs), ensuring EHCP requests are timely and appropriate and supported by education and health professionals:

- Provide training to Early Years providers in supporting de-escalation and transition planning so that only the most complex needs are referred for an EHCP at this age.
- Increase the proportion of applications for EHCPs being made by education professionals.
- Increase parental confidence in mainstream schools to cater to their young person's needs.

2. Increase the proportion of children and young people with SEND who receive high-quality education and achieve their potential in mainstream schools:

- Use the additional resource secured through the school block, transfer them to provide Inclusion support for schools and develop locality resources that schools deploy to meet the need that contributes to achieving set outcomes.
- Providing a clear offer of capacity-building support
- Making available a locality resource
- Engaging system leaders
- Focus on inclusion in selective schools

Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

3. Ensure the use of appropriate and cost-effective provisions:

- Increase the capacity of non-independent special schools to cater for CYP with the highest level of need
- Increase availability of Resourced Provision in localities, including in selective schools
- Inform a longer-term approach to place planning which provides an authentic choice of a local school for children and young people with SEND
- Ensure value for money for all the services commissioned, both in terms of quality and financial efficiencies

Financial Considerations:

The sustainable in-year budget management will most effectively be achieved by ensuring the proportion of CYP with EHCPs catered for within each provision type is in line with national. The new plan seeks to achieve this position in four to five years, given the rollout of existing placements.

Further savings will be achieved with the introduction of the commissioning team, which will initially focus on the independent special school provision and other independent provider provisions. Independent placements cost Medway £13,756,449 (including 38-week residential placements) for 385 pupils, an average of £35,731 per place.

A planned review of Alternative Provision will largely focus on ensuring that more pre-emptive and revolving door activity can occur to reduce exclusions and improve attendance. It will aim to remove the use of independent provision for this cohort entirely and re-design the system so that the needs of the area can be met within its funding envelope. The total amount of funding, £3,704,539 currently spent, is unlikely to reduce; however, we propose to cap this for the next three years.

There will be a planned increase in the funding to mainstream schools to support CYP with EHCPs; this will be addressed through the EHCP review and the potential introduction of a banding system.

Further work must be done to ensure all parties (Health and Social Care) contribute their fair share of the funding for EHCPs.

Planning and Governance:

The Inclusive Education Oversight (IEO) Group provides oversight of the planned work and will monitor its impact and outcomes. The group has representation from all Headteacher groups and the School's forum. The group will consider the outcomes of the various tasks and finish groups.

The IEO group have met once this term to discuss the data and proposed actions. They will meet again on 14th July 2022 to consider the final budget plan before it is taken through internal governance procedures and then submitted to the DfE in September 2022.

Note:

The final budget plan is in the process of being checked, and if it is available before the meeting, it will be sent separately.

The Schools forum noted the above report.

Minutes of Schools Forum Meeting

06th July 2022 at 2.30 pm

7

High Needs Recovery Plan Verbal update - Celia Buxton:

The paper outlines the things that will bring the in-year positive balance. CB noted she would have liked to have shared the 4-year budget sheet; however, this is still a work in progress.

The Safety valve intervention programme 2022-23 for Local Authorities with large DSG deficits letter was shared noting:

The LA should be working towards submitting a proposal which clearly sets out:

- 1. How the LA will control your deficit and reach an in-year balance (as a minimum) on your DSG, and how quickly. We request this be set out in the DfE DSG management plan template. The LA DSG management plan should also indicate any planned block transfer requests, which will be handled through the safety valve programme where required.*
- 2. How Medway will contribute to the reduction of the historic deficit through the use of DSG surpluses, in addition to reaching an in-year balance.*
- 3. How Medway will ensure that the plan is deliverable, how it will be managed as it is implemented and how this plan will continue to ensure the appropriate support for children and young people with SEND. This includes agreeing on who will be responsible for the ongoing monitoring of progress towards the agreement, which is discussed below.*

CB advised a clear explanation of the financial support Medway needs from the DfE to eliminate the historic deficit over the agreement period. This could include, if necessary, a request for some funding to help implement the proposal, as well as funding to eliminate the deficit directly.

The Exclusive Oversight Group have met and will continue to do so.

Q - Radical and thinking, what does this mean?

A - EHCP review is ongoing for ECHP banding top-up; no savings targets are currently set in this review. The aim is to be open and transparent, and we may have to consider modelling to save for this. Special school provisions, post 16 -19 and 19-25, are high cost, we are looking at the possibility of lower cost provisions, that support the development of independence. We also need to review the processes, looking at other LAs and what they do. We may need to invest in a family liaison officer to support these children in mainstream schools.

Q - If the demand for EHCPs is driven by parents and experts around the table feel the child may not require this. Will the parents then go to the appeal routine and insist on higher-cost provisions?

A - The green paper proposes having a list of schools to choose from that the LA recognise; ideally, if the parents push for a different provision than what is on the list, then the LA will pay a set amount, with parents paying the rest. However, the LA will have to have sufficient capacity in the provisions in place.

Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

Q From a Secondary perspective, isn't it the reality that the non-selective Schools have national levels of students with EHCPs? So will their numbers be capped at this?
A - Yes, the majority of non-selective schools are in line with or above national for the proportion of children with EHCP's, however, we need to ensure all schools engage in this expectation, including our selective schools and where necessary provide additional financial support to those schools who exceed this, rather than set a limit on numbers. The schools cannot become vulnerable as they will be unable to support their children.

MB added that capital funding could be linked to supporting all schools and working on a long-term basis.

Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

8

SEN notional formula considerations - Maria Beaney:

MB explained that the Notional Special Education Needs (SEN) funding forms part of a mainstream school's budget from the dedicated School's grant (DSG) and is not calculated based on pupil needs but as a percentage of the School's overall budget.

Each local authority can determine how their notional SEN funding is calculated. Identifying how much of the unit costs under the 11 funding factors used as part of the funding formula counts towards their notional SEN budget. For Medway, it is 100% of the low prior attainment plus 50% of the deprivation funding factors.

Mainstream schools are expected to use their notional SEN funding to meet the first £6,000 of additional support for every additional need's pupil as well as funding SEN school support. The cost of a school SENCO should not form part of the notional SEN budget.

Notional SEN Allocation:

MB stated Medway's notional SEN budget is calculated as 100% of a school's low prior attainment funding plus 50% of deprivation funding. This methodology was last reviewed in 2015 when the schools opted to keep the same calculation when the national funding formula was introduced.

Medway's notional SEN budget:

- In 2016-2017, it was £15,679,631 or 9.7% of the total School's block budget.
- Today's notional SEN budget is £24,153,125, or 11.1% of the School's block budget.
- This is a funding increase of 54% over 6 years.

While there is an argument for the increase in funding being related to the increased pupil numbers, a more in-depth analysis of the funding shows the increase in funding is being driven through the deprivation funding factor.

The deprivation factor has seen a 24% increase in funding over the last three years compared to the 2% increase on the low prior attainment factor, with 50% of said funding being taken into the notional SEN allocation.

Medway's funding above notional SEN policy outlines the criteria schools must meet to qualify for additional funding support. They are;

- A school's notional SEN budget must be sufficient to meet the first £6,000 cost of additional support for each High Need's pupil on roll.
- For schools up to and including 150 pupils, the notional SEN budget must also be sufficient to cover £6,000 for every 1:50 pupils.
- With such high levels of funding now being included within the notional SEN funding, it's unlikely that schools meet the above criteria to qualify for additional funding.

Medway has looked at other local authorities' notional SEN funding calculations. While Medway's formula is broadly in line with them, what appears to be missing is a control mechanism or allowance for non-EHCP SEN support.

Minutes of Schools Forum Meeting 06th July 2022 at 2.30 pm

	<p><u>Next Steps:</u> MB explained that before any changes can be made to the funding formula, including the notional SEN calculation, all schools must be consulted and any changes approved by the Schools forum. As such, Medway would like to consult with schools in September/October about potentially changing the notional SEN formula and/or the funding above the notional SEN policy.</p> <p>The School's forum noted and commented on this report.</p> <p>Q - When will you be issuing the consultation and implementing it? A - This will be in September /October 2022 at the same time as the funding formula. This is a rough timescale as we are waiting for the DfE published documents, which will be ratified in JAN.</p> <p>Q - The £6000 the schools have to pay first, is this disproportionate to those who welcome these pupils or have high numbers due to the local demographics? A - Yes, and that is the reason to look at this to ensure fairness. The policy will also look at what point this is triggered.</p>
9	<p>Funding support business cases item: None.</p>
10	<p>AOB: None.</p>
11	<p>Date and time of the next meetings: Proposed forward plan:</p> <ul style="list-style-type: none"> • 21st September 2022 • 07th December 2022 • 11th January 2023 • 17th May 2023

The meeting closed at 16.15.

Signed by (Chair) Date: